OIPE IAP48 MAY 2 8 2006 PATENT & TRADEMARK OFFICE

REMARKS

Applicants have now had an opportunity to carefully consider the Examiner's comments set forth in the Office Action of March 23, 2006.

Reconsideration and re-examination of the Application is requested.

The Office Action

Claims 1-5, 7, 10-18 and 20-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,070,174 to Starek et al. in view of U.S. Patent No. 6,078,924 to Ainsbury et al. Claims 6, 9 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Starek and Ainsbury and in further view of U.S. Patent No. 6,385,589 to Trusheim et al. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Starek and Ainsbury and in further view of U.S. Patent No. 6,122,446 to Satoh.

Claims 1-28 remain in this application. Independent claims 1, 12, 22 and 25 have been amended in order to further clarify the claimed invention. However, Applicant respectfully traverses for at least the following reasons.

Brief Description

The disclosure relates to a method and a system of secure data file erasure and confirmation. The claimed invention is a system and a method for providing a status report following the request for the destruction of files. The user or system administrator can select a quantity of and pattern to be used in overwrites of the data file so that no one can recover the "erased" data from the storage medium. This system and method allows for flexible, programmable sequence of overwrites that satisfy any desired overwrite requirements set by customers.

The Cited Art

Starek et al., (Patent No. 6,070,174) is a method and system for real time secure data deletion in a system having an NTFS file system. The file creation operations are monitored and real time secure data deletion of user files is performed when the file is to be overwritten. Starek discloses that a technical advantage of the present invention is that the disclosed system and method intercepts the file system calls such that supplemental file management processes can be performed in a manner transparent, not only to the

user, but also the operating system.

Ainsbury (Patent No. 6,078,924) is an information platform that automates the collection of data, provides a method of organizing the library of information, and provides analysis using multiple content types. The information platform is a client server implementation that is subdivided into four major sections; data retrieval, data classification and storage, information browsing, and desk top integration.

The Claims As Amended Are Patentably Distinguishable Over the Cited References

The Examiner will appreciate that independent claims 1, 12, 22 and 25 have been amended to include that the erase trigger be set by a user.

Prior art must be considered in its entirety, including disclosures that teach away from the claims. MPEP 2141.02 VI. Starek discloses a system where secure file deletion is performed in real time on an ongoing basis transparent to the user of the system. Thus, secured deletion of files on storage devices is accomplished without relying on periodic actions by the user. Column 2, Lines 47-51. Moreover, Starek expressly teaches away from a system where the erase trigger is set by user stating that it is a problem that products such as the claimed invention relies on user activation of the process. *See* Column 1, Line 66-67. Ainsbury, the other cited reference, is an information platform that automates the collection of data and does not disclose any form of data deletion, much less an erase trigger that is set by the user. Because these two references do not suggest that the desirability of the claimed invention, as amended, there is no motivation to combine the two references. *See* MPEP 2143.01. As such, amended claims 1, 12, 22 and 25 are now patentably distinguishable from the cited references and are now in proper condition for allowance. Because all other claims depend from claims 1, 12, 22 or 25, all other claims should also be in proper condition for allowance. It is respectfully requested that all rejections be withdrawn.

CONCLUSION

For the reasons detailed above, it is submitted all claims remaining in the application (Claims 1-28) are now in condition for allowance. The foregoing comments do not require unnecessary additional search or examination.

No additional fee is believed to be required for this Amendment B. However, the undersigned attorney of record hereby authorizes the charging of any necessary fees, other than the issue fee, to Xerox Deposit Account No. 24-0037.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he/she is hereby authorized to call Patrick R. Roche, at Telephone Number (216) 861-5582.

Respectfully submitted,

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May 23, 2006
Date

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